

**UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF ALASKA**

NORTHERN DYNASTY  
MINERALS LTD. and PEBBLE  
LIMITED PARTNERSHIP,

Plaintiffs,

v.

U.S. ENVIRONMENTAL PROTECTION  
AGENCY,

Defendant.

Case No. 3:24-cv-00059-SLG

**DECLARATION OF PAMELA K. MILLER**

I, Pamela K. Miller, state and affirm as follows:

1. I make this declaration in support of Alaska Community Action on Toxics' (ACAT) Motion to Intervene in the above-captioned litigation. I know these facts of my own personal knowledge and would competently testify to them if called as a witness in these proceedings.

2. Since 1997, I have served as Executive Director of ACAT, an environmental health and justice research and advocacy organization. I have a BA in Biology from Wittenberg University and a Master's degree in Environmental Science/Aquatic Biology from Miami University. I have more than thirty-seven years of experience in research, policy, advocacy, and training programs focused on environmental health, justice, human rights, and marine ecology. Since 2005, I have

served as Principal Investigator for community-based environmental health research projects supported by the National Institute of Environmental Health Sciences (NIEHS) and focused on the long-term effects of endocrine disrupting chemicals on the environment and human health. I received the Meritorious Community Service Award from the Board of Regents of the University of Alaska. Alaska Conservation Foundation awarded me the Olaus Murie Award in recognition of my “long-term outstanding professional contributions to the conservation movement in Alaska” and a Lifetime Achievement Award in 2023. In 2016, I was elected to serve as the co-chair of the International Pollutants Elimination Network (IPEN), a global network of more than 500 environmental health and justice organizations working in over 100 countries for a toxics-free future. As Executive Director of ACAT, I am responsible for providing leadership toward the achievement of our mission and vision, as well as programmatic and financial management of the organization. I report to the Board of Directors. I have personally been involved in writing comments, letters, and supporting other organizations who are also working to protect Bristol Bay.

3. ACAT is a 501(c)(3) non-profit, incorporated under Alaska law, with an office in Anchorage, Alaska. ACAT believes everyone has a right to clean air, clean water, and toxic-free food. Driven by a core belief in environmental justice, ACAT empowers communities to eliminate exposure to toxics through collaborative research, shared science, education, organizing, and advocacy.

4. ACAT has approximately 300 donors, 50 volunteers, and several thousand people who have signed up as interested citizens and activists to receive communications and action alerts about issues relevant to environmental contamination by toxic chemicals.

5. As a science-based organization with 22 years of experience working on toxic contamination, ACAT has a unique role among the movant-intervenors. ACAT has worked with many Alaskan communities faced with and concerned about pollution from mines and the effects on the environment, traditional wild foods, and people's health. ACAT has strong working relationships with environmental health and justice networks in the U.S. and the world (some of which ACAT helped found), as well as experts and scientists who specialize in the effects of toxic chemicals and their effects.

6. ACAT has a board member and supporters who live in the Bristol Bay region and depend on the health of the environment, fish, and wildlife for subsistence and commercial fishing.

7. ACAT seeks to protect the health and integrity of the environment and communities in the region. We contend that large-scale mining, such as the proposed Pebble Mine, will cause extensive long-term and multigenerational adverse health impacts on the communities of the region, particularly given their reliance on traditional foods including greens and berries, fish, terrestrial and marine mammals for physical, cultural, and spiritual sustenance. The proposed Pebble Mine represents a grave

environmental injustice. ACAT is committed to preventing the development of the proposed Pebble Mine.

8. ACAT conducts public education, advocacy, and litigation. We support other organizations working to protect the Bristol Bay watershed by sharing action alerts and event notices with our members and sign on to letters to federal agencies in opposition to the mine. We send action alerts to our members so that they can participate in public comment opportunities. ACAT's work involving opposition to the proposed Pebble Mine dates back to approximately 2002, when we were involved in early meetings concerning the proposed Pebble Mine. We prepared and submitted comments on the U.S. Army Corps of Engineers' (Army Corps) Draft Environmental Impact Statement for the proposed Pebble Mine (July 2019). In 2020, we filed comments with the Alaska Department of Environmental Conservation opposing issuance of a 401 certification for the project. ACAT also submitted comments to the Army Corps in support of its denial of Pebble's permit application and the U.S. Environmental Protection Agency (EPA) in support of its Revised Proposed Determination (September 2022). In addition, we educate and activate our members in the interest of protecting Bristol Bay through email newsletters and tabling events. We fully supported EPA's 404(c) Final Determination (Final Determination) that is challenged in this case because it protects the Bristol Bay watershed from large-scale mining, such as the proposed Pebble Mine, which would irreparably impact the area's wetlands, waters, and fish that depend on them.

9. ACAT seeks to intervene in this lawsuit to ensure the Bristol Bay watershed continues to thrive and our interests in the region's communities and fisheries remain intact. As described above, we have engaged in this issue for over two decades. The relief that Plaintiffs seek—vacating the Final Determination—would potentially allow large-scale, harmful mining activities, such as the proposed Pebble Mine, to proceed in the future. This would harm ACAT's mission and our donors, volunteers, and supporters' interests in protecting the Bristol Bay watershed—one of the world's largest remaining sockeye salmon fisheries.

10. Our supporters, and the communities we work with, would be harmed if the proposed Pebble Mine were permitted because of the potential contamination to traditional food sources and ecosystems, and the resulting impacts to the human communities reliant upon those resources and public health. The environmental justice implications of these losses are profound, and preventing such injustices is at the core of ACAT's mission.

11. I would personally experience a profound sense of loss, sadness, grief, and fear for the people from the region who I hold dear, including our board member and other supporters and their families, and the harm to their culture, way of life, and sustenance. I am concerned about the irreparable harm that would be caused by the mine, the damage to the integrity of intact ecosystems, fish, wildlife, and human communities. I am concerned that the salmon that I have been blessed to receive from small-boat

fishermen of Bristol Bay would be contaminated and that I would lose an important source of food for myself and my family. I would be reluctant to eat fish from the region because of the potential chronic and perhaps acute contamination.

12. I visited the home of our board member Pauline Kohler and her husband Pat in Aleknagik during the summer of 2006. They live on the Wood River. I stayed at the home of Pat and Pauline Kohler for 3 days. Pat picked us up by boat at the landing on Lake Aleknagik and we travelled upriver to their home. In addition to visiting for social reasons and to enjoy the beauty of the region, I was there to visit an old mining retort site on the Wood River where I had advised a mercury sampling project carried out by Pat and son a few years earlier. We walked the banks of the Wood River and also travelled upriver to visit their son and daughter-in-law. We picked blueberries and observed wildlife. As a birder, I enjoyed spending time watching birds on and along the river.

13. ACAT and its members are not adequately represented by EPA in this lawsuit. ACAT has been involved in this fight for many years. While we agree with EPA's recent decision, we were disappointed when the agency reversed course and withdrew its Proposed Determination after a change in administration in 2017. Agency leadership could change again during the pendency of this lawsuit, especially in light of the upcoming November 2024 election.

14. Only by intervening and gaining the rights of a party can ACAT be sure that its interests and those of its members are protected. ACAT has heavily invested in

protecting Bristol Bay from the proposed Pebble Mine. It is one of our highest organizational priorities. We believe it is critical to defend the Final Determination and EPA's finding that the proposed Pebble Mine poses unacceptable risks to the Bristol Bay watershed. We would therefore be harmed if Plaintiffs receive the remedy they seek—vacatur of the Final Determination. We need a seat at this table to ensure our member and supporter interests are robustly represented as the court considers this case. We also want to be sure that this determination is defended in the years to come.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 30 day of April 2024 in Anchorage.

*Pamela Miller*

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Pamela K. Miller